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on March 5, 2008

PATENT

Attorney Docket No.: 02307K-186430US

CONSIDERED: /RAZ/

Client Ref. No.: 1999-543-4

TOWNSEND and TOWNSEND and CREW LLP

09/23/2009

By: Sylvia Bie

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of:

Shi et al.

Application No.: 10/077,624

Filed: February 14, 2002

For: ANTI-MICROBIAL TARGETING  
CHIMERIC PHARMACEUTICAL

Customer No.: 20350

Confirmation No. 2797

Examiner: Zeman, Robert A.

Technology Center/Art Unit: 1645

DECLARATION UNDER 37 CFR 1.132

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

1. The above-referenced application refers to chimeric constructs for targeted treatment of microbial infections.

2. The claims presently stand rejected under 35 USC § 103 as allegedly obvious over Lehrer (US Patent No. 6,492,328) in view of Shi (US Publ. No. 20040052814, "Shi '814").

3. Section 103(c) provides that "subject matter ... which qualifies as prior art ... shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the claimed invention was made, owned by the same person or subject to an obligation of assignment to the same person."

4. In accordance with the guidelines offered by MPEP § 706.02(1)(2), I  
certify as follows:

The present application and Shi '814 will be considered by the examiner to be  
owned by, or subject to an obligation of assignment, to the same organization at  
the time the invention was made.

Dated: 3-5-09 Annette S Parent

Annette S. Parent  
Reg. No. 42,058